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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
San Francisco

9)
10) Case Number: 3:15-cv-04173-WHA
11) **PLAINTIFF’S STATEMENT**
12) **REGARDING CASE MANAGEMENT**
13) **STATEMENT**
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MALIBU MEDIA, LLC,

vs.

JOHN DOE subscriber assigned IP address
98.207.153.167,
JOHN DOE 2

Defendant.

PLAINTIFF’S STATEMENT REGARDING CASE MANAGEMENT STATEMENT

Pursuant to this Court’s Order, the Parties were required to file a Join Case Management Statement by March 3, 2016.

On February 25, 2016, the Parties held a telephonic conference to discuss the status of this case and the proposal of a Case Management Statement. On February 26, 2016, in preparation for the Court’s Case Management Conference, Plaintiff sent defense counsel a proposed Case Management Statement (“Joint Statement”). That same day, Defense counsel sent Plaintiff the Joint Statement with Defendant’s proposed revisions. All of Defendant’s modifications were acceptable

1 to Plaintiff.¹ The Joint Statement is attached hereto as Exhibit “A.” However, Plaintiff’s counsel
2 did not advise Defendant that the modifications were approved and the finalized Joint Statement
3 was not filed. This was an oversight on Plaintiff’s counsel’s part and was unintentional. Plaintiff
4 sincerely apologizes to the Court for this delay and for any inconvenience it may have caused.

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6 Dated: March 9, 2016.

7 HEIT ERLBAUM, LLP

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9 /s/ Brenna Erlbaum
BRENNA ERLBAUM, ESQ
Attorney for Plaintiff
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27 ¹ Although Plaintiff agrees to the modified Joint Statement, it does not agree to the Model ESI Order Defendant
28 proposed. This is because Defendant proposes the model order for Patent cases and this is not a patent case. Further,
Plaintiff discussed, at length, the preservation and production of ESI in the Joint Statement attached hereto as Exhibit
“A.”